

FEE TRANSMITTAL

Patent fees are subject to annual revision.

Complete If Known

Application Number 10/087,777
Filing Date 5 March 2002
First Named Inventor Bon-Seuk GOO et al.
Examiner Name PHAN, MAN U
Group/Art Unit 2616
Attorney Docket No. P56672

TOTAL AMOUNT OF PAYMENT

(\$)**510.00**

METHOD OF PAYMENT (check one)

1. ☒ Payment Enclosed:

(CHECK #53976)

☒ Check ☐ Credit Card ☐ Money Order ☐ Other

☐ Charge Any Additional Fee Required Under 37 C.F.R. §1.16 and 1.17.

☐ Applicant claims small entity status. See 37 CFR 1.27

2. ☒ The Commissioner is hereby authorized to charge any deficiency and credit any over payments to:

Deposit Account Number: **02-4943**

FEE CALCULATION

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
EXTENSION OF TIME FEES					
1251	120	2251	60	Extension for reply within first month	\$
1252	460	2252	230	Extension for reply within second month	\$
1253	1050	2253	525	Extension for reply within third month	\$
1254	1640	2254	820	Extension for reply within fourth month	\$
1255	2230	2255	1115	Extension for reply within fifth month	\$
APPEAL					
1401	510	2401	255	Notice of Appeal	\$
1402	510	2402	255	Filing a brief in support of an appeal	\$ 510.00
1403	1030	2403	515	Request for oral hearing	\$
CLAIMS					
1201	210	2201	105	Independent claims in excess of 3	\$
1202	50	2202	25	claims in excess of 20	\$
Other Fee (specify) _____					\$
Other Fee (specify) _____					\$
Other Fee (specify) _____					\$

SUBTOTAL: LEFT COLUMN \$ 510.00

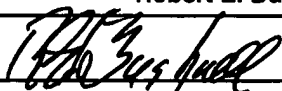
FEE CALCULATION

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
MISCELLANEOUS					
1801	\$810	2801	\$405	Request for continued examination (RCE)	\$
1806	\$180			Submission of an IDS	\$
1814	\$130	2814	\$65	Statutory disclaimer	\$
8021	\$40			Recordation of assignment per property	\$
TRADEMARK					
6001/7001			\$375	Application for registration, per class (paper)	\$
6002/7002			\$100	Amendment to Allege Use, per class	\$
6003/7003			\$100	Statement of Use, per class	\$
6004/7004			\$150	Request for six-month extension of time, per class	\$
6205/7205			\$100	\$8 affidavit, per class	\$
6208/7208			\$200	\$15 affidavit, per class	\$
6201/7201			\$400	Application for renewal, per class	\$
6403/7403			\$100	Ex parte appeal, per class	\$
PETITION					
1462			\$400	Petitions to Director (Group I)	\$
1463			\$200	Petitions to Director (Group II)	\$
1464			\$130	Petitions to Director (Group III)	\$
1452	\$510	2452	\$255	Petitions to revive unavoidably abandoned application	\$
1453	\$1540	2453	\$770	Petitions to revive unintentionally abandoned application	\$
PATENT MAINTENANCE					
1551	\$930	2551	\$465	Due at 3.5 years	\$
1552	\$2360	2552	\$1180	Due at 7.5 years	\$
1553	\$3910	2553	\$1955	Due at 11.5 years	\$
Other Fee (specify) _____					\$
Other Fee (specify) _____					\$
Other Fee (specify) _____					\$

SUBTOTAL: RIGHT COLUMN \$0.00

SUBMITTED BY

Complete (if applicable)

Typed or Printed Name	Robert E. Bushnell, Esq.	Reg. Number	27,774
Signature		Date	1 April 2008
		Deposit Account User ID	

REB/ty

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PATENT
P56672

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF APPEALS AND INTERFERENCES**

In re Application of:

Appeal No. _____

BON-SEUK GOO *et al.*

Serial No.: 10/087,777

Examiner: MAN U. PHAN

Filed: 5 March 2002

Art Unit: 2616

For: METHOD FOR TRANSMITTING SHORT MESSAGE USING INTERNET
PHONES AND SYSTEM THEREFOR

Attn: Board of Patent Appeals & Interferences

TRANSMITTAL OF APPELLANT'S BRIEF FEE

Mail Stop Appeal Brief-Patents

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Accompanying this transmittal is a check drawn to the Commissioner of Patents & Trademarks in the amount of \$510.00 (Check #53976) for **Large Entity** for the filing an **Appeal Brief** in support of a Notice of Appeal filed on 1 February 2008. Should the check become lost, be deficient in payment, or should other fees be incurred, the Commissioner is authorized to charge Deposit Account No. 02-4943 of Applicant's undersigned attorney in the amount of such fees.

Respectfully submitted,

Robert E. Bushnell

Attorney for Applicant

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Washington, D.C. 20005

Area Code: 202-408-9040

Folio: P56672

Date: 4/1/08

I.D.: REB/ty

PATENT
P56672



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF APPEALS AND INTERFERENCES**

In re Application of:

Appeal No. _____

BON-SEUK GOO *et al.*

Serial No.: 10/087,777

Examiner: MAN U. PHAN

Filed: 5 March 2002

Art Unit: 2616

For: METHOD FOR TRANSMITTING SHORT MESSAGE USING INTERNET
PHONES AND SYSTEM THEREFOR

Attn: Board of Patent Appeals & Interferences

Paper No. 20

APPEAL BRIEF

Mail Stop Appeal Brief-Patents

Commissioner for Patents

P.O.Box 1450

Alexandria, VA 22313-1450

Sir:

Pursuant to Appellants' Notice of Appeal filed on 1 February 2008, Appellants hereby appeal to the Board of Patent Appeals and Interferences from the rejection of claims 1, 2, 5, 6, 9, 10, 13 and 15, as set forth in the final Office action mailed on 4 September 2007 (Paper No. 20070830).

Folio: P56672

Date: 4/1/08

I.D.: REB/JGS/kf

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I. REAL PARTY IN INTEREST

Pursuant to 37 CFR §41.37(c)(1)(as amended), the real party in interest is:

Samsung Electronics Co., Ltd.
416, Maetan-dong, Yeongtong-gu
Suwon-si, Gyeonggi-do, 442-742 Republic of KOREA

as evidenced by the Assignment executed by the inventors on the 19 February 2002 and recorded by the U.S. Patent and Trademark Office on 5 March 2002 at Reel 012675, Frame 0325.

II. RELATED APPEALS AND INTERFERENCES

There are no other appeals and no interferences known to Appellants, Appellants' legal representatives or the assignee which will directly affect, be directly affected by, or have a bearing on the Board's decision in the pending appeal.

III. STATUS OF CLAIMS

Claims 1, 2, 5, 6, 9, 10, 13 and 15 stand finally rejected. Of the latter claims 1, 5 and 9 are independent, whereas the remaining claims are dependent. Claims 3, 4, 7, 8, 11 and 12 have been objected to for dependency upon a rejected base claim. Claim 14 has been previously canceled.

IV. STATUS OF AMENDMENTS

No claim amendments have been made subsequent to issuance of the final Office action on 4 September 2007 (Paper No. 20070830).

V. SUMMARY OF CLAIMED SUBJECT MATTER

The present invention relates generally to a digital communication system for wireless mobile communication terminals based on the H.323 protocol system and, in particular, to a method and system for transmitting a set of short messages, as well as voice communications, between Internet phones using the H.323 protocol system.

The invention provides a message transmission system between a short message transmission server and a gatekeeper. The gatekeeper controls setup of a call and user registration or cancellation in the Internet phone. The Internet phone is optionally connected to the gatekeeper, and has a short message transmission module for transmitting, via a predetermined port, the short message including information corresponding to a telephone number of the called party's Internet phone. The short message transmission server serves as an H.323 terminal registered in the gatekeeper, is constructed to transmit, to the gatekeeper, the information relating to the called party's Internet phone incorporated in the corresponding short message so as to obtain an Internet protocol (IP) address of the called party's Internet phone, and to transmit the short message to the IP address of the called party's Internet phone. The invention allows a user of the Internet phone to transmit the short message service (SMS) message to the called party's Internet phone using the registration admission and status (RAS) protocol of the H.323 multimedia communication protocol.

As recited in independent claim 1, with reference to Figures 3-5, the invention relates to a system for transmitting a short message in an Internet phone, comprising: a gatekeeper 310 (Figure 3) for controlling setup of a call and at least one of a user registration and a cancellation in the Internet phone 322 or 324 (Figure 3), said Internet phone being optionally connected with

said gatekeeper 310, said Internet phone 322 or 324 having a short message transmission module (shown in Figure 3) for transmitting, via a predetermined port, the short message including information corresponding to a telephone number of an Internet phone of a called party (*see* Figure 5); and a short message transmission server 330 (Figure 3) for receiving the short message transmitted by the short message transmission module 322 or 324, and serving as a terminal registered in the gatekeeper 310 for transmitting, to the gatekeeper 310, the information corresponding to the telephone number of the Internet phone of the called party (*see* Figure 5) as included in the short message when the short message is transmitted via the predetermined port, so as to obtain an Internet protocol (IP) address of the Internet phone of the called party, and for transmitting the short message to the IP address of the Internet phone of the called party.

As recited in independent claim 5, with reference to Figures 2-5, the invention relates to a method for transmitting a short message in an Internet phone of a calling party, comprising the steps of: providing a short message transmission server 330 (Figure 3) and a gatekeeper 340; providing the Internet phone 322 or 324 of the calling party with a short message transmission module (*see* Figure 3); transmitting the short message, including a telephone number of an Internet phone of the called party (*see* Figure 5), from the short message transmission module of the Internet phone of the calling party to the short message transmission server 330 (Figure 3); transmitting a call admission request message 201 (Figure 2) from the short message transmission server 330 (Figure 3) to the gatekeeper 340 with the telephone number of the Internet phone of the called party included in the transmitted short message, and then receiving from the gatekeeper 340 a call admission confirm message 203 (Figure 2) including an Internet protocol (IP) address of the Internet phone of the called party; and transmitting the short message from the short

message transmission server 330 (Figure 3) to the Internet protocol (IP) address of the Internet phone of the called party.

As recited in independent claim 9, with reference to Figures 3 and 4, the invention relates to a system for transmitting a short message in an Internet phone, comprising: a gatekeeper 310 (Figure 3) for controlling setup of a call; and a short message transmission server 330 connected to said gatekeeper 310; said Internet phone transmitting, via a predetermined port to said short message transmission server 330, a short message 401 (Figure 4) including information corresponding to a telephone number of an Internet phone of a called party; and said short message transmission server 330 (Figure 3) transmitting, to the gatekeeper 310, the information 403 (Figure 4) corresponding to the telephone number of the Internet phone of the called party as included in the short message when the short message is transmitted via the predetermined port so as to obtain an Internet protocol (IP) address 405 of the Internet phone of the called party, and for transmitting the short message 407 to the IP address of the Internet phone of the called party; wherein said Internet phone 322 or 324 (Figure 3) includes a short message transmission module (shown in Figure 3) for transmitting the short message to the short message transmission server 330.

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Whether claims 1, 5, 9, 13 and 15 were improperly rejected under 35 U.S.C. §103 for alleged unpatentability over Rueger *et al.*, U.S. Patent Publication No. 2003/0018806 in view of Back *et al.*, U.S. Patent Publication No. 2003/0036396.

Whether claims 2, 6 and 10 were improperly rejected under 35 U.S.C. §103 for alleged unpatentability over Rueger *et al.* '806 in view of Back *et al.* '396, and further in view of Pang *et al.*, U.S. Patent Publication No. 2003/0043762.

VII. ARGUMENT

The primary reference cited by the Examiner is Rueger *et al.*, U.S. Patent Publication No. 2003/0018806. Rueger *et al.* '806 relates to a method, message server and a telecommunications network which allow conveyance of messages, particularly short messages, originating in a mobile telecommunications network such as a GSM system and terminating at a recipient application or a related service in an IP network not using the standards of said mobile telecommunications network. The inventive telecommunications network comprises a message server (WAMS) through which messages arriving at a first service centre (SC2) can be routed to a second service centre (SC1) which is connected to the recipient application or the related service. According to the inventive method, a virtual mobile station number is established as the address for the recipient application, to which the entire community of short message mobile stations MS can originate messages as it would originate them toward a real mobile station MS.

The secondary references cited by the Examiner are Back *et al.*, U.S. Patent Publication No. 2003/0036396 and Pang *et al.*, U.S. Patent Publication No. 2003/0043762.

Back *et al.* '396 relates to a method and system for receiving data by using an SMS and a wireless Internet. The method comprises the steps of receiving a short message from a service provider, wherein the short message comprises at least a service identifier and site information, determining whether or not there is an application protocol in the site information and executing an IP channel connecting program in correspondence with the application protocol when the application protocol is in the site information, wherein the data receiving system receives data in correspondence with the application protocol from the service provider by executing the IP

channel connecting program.

Pang *et al.* '762 relates to a system for providing voice communications between an end terminal in a packet data network and a wireless communication device which includes a packet communication supporting subsystem, a base station subsystem, and a Voice-over-Internet-Protocol Mobile Switching Center ("VMSC"). The packet communication supporting subsystem communicates with the packet data network, and also operates to locate the wireless communication device. The base station subsystem communicates with the wireless communication device, and also communicates with the packet data network through the packet communication supporting subsystem in the form of data packets. The VMSC communicates with the packet communication supporting subsystem through a packet-switched network, and communicates with the base station subsystem through a circuit-switched network. In addition, registration, call-making, call-releasing, and call-receiving methods are provided for a wireless communication device to provide voice communications between the wireless communication device and an end terminal in a packet data network.

On pages 6 and 7 of the final Office action, the Examiner presents a rather lengthy description of the disclosure of Rueger *et al.* '806, while on pages 7 and 8 of the final Office action, the Examiner presents a lengthy description of the disclosure of Back *et al.* '396. However, in both descriptions, the Examiner does not specifically point out what elements in either patent correspond to elements and functions recited in independent claims 1, 5 and 9 of the present application.

In fact, Rueger *et al.* '806 does not disclose a short message transmission module as recited in independent claims 1 and 9. This was admitted by the Examiner in the previous Office action of 30 January 2006 (*see* page 4, lines 11-13 thereof). However, in preparing the final Office action of 4 September 2007 (Paper No. 20070830), the Examiner apparently omitted the admission. Nevertheless, the fact remains that Rueger *et al.* '806 does not disclose the short message transmission module, and in Back *et al.* '396 (cited by the Examiner, in the Office action of 30 January 2006, as disclosing the short message transmission module), the SMS receiver 430 of receiver/transmitter 420 (*see* Figure 2 of Back *et al.* '396) only receives a short message but does not transmit a short message.

In fact, in an interview conducted with the Examiner on 7 December 2007, Applicants' attorney pointed out that Back *et al.* '396 does not disclose an Internet phone having a short message transmission module for transmitting a short message including information corresponding to a telephone number of an Internet phone of a called party, and further that the reference does not disclose a short message transmission server for receiving the short message transmitted by the short message transmission module, and for obtaining an Internet protocol (IP) address of the Internet phone of the called party from the information received from the Internet phone. In that regard, Applicants' attorney further pointed out at the interview that, in Figure 2 of Back *et al.* '396, there is a short message service (SMS) receiver 430 for receiving a short message from an SMS server 110 (shown in Figure 1 of Back *et al.* '396), but there is no short message transmission module in the receiver/transmitter 420 of the user terminal 410 shown in Figure 2 of the cited patent. Finally, it was further pointed out to the Examiner that, rather than providing a short message transmission module in the receiver/transmitter 420 of Back *et al.* '396,

Back *et al.* '396 only provides a URL connector 470 for transmitting a URL connecting request.

At the interview, the Examiner argued that the SMS server 110 contained in the Internet service provider 100 in Figure 1 of Back *et al.* '396 contained a small message transmission module. However, in response, Applicants' attorney pointed out that, in contrast to Back *et al.* '396, the claimed invention provided a small message transmission module in each Internet phone. In the latter regard, it is submitted that the rejections set forth in the final Office action must be based on the prior art of record, that is, the three references cited in the final Office action. In that regard, it is further submitted that none of these references discloses or suggests the provision of a short message transmission module in an Internet phone, as recited in independent claims 1, 5 and 9 of the present application.

In paragraph 3 of the final Office action, the Examiner "emphasizes for the record that the claims employ a broader in scope [*sic*] than the Applicant's disclosure in all aspects" (quoting from paragraph 3, lines 3-4 on page 2 of the final Office action). However, it is respectfully submitted that the Applicants have every right to claim an invention broader than the specific disclosure presented in the present application so long as the broad claims do not read on the disclosures of prior art cited by the Examiner. In this case, as stated above, the prior art cited by the Examiner does not disclose or suggest each of the elements and functions recited in the independent claims of the present application.

On page 3 of the final Office action, the Examiner further argues that "the claims must be given their broadest reasonable interpretation consistent with the specification and the

interpretation that those skilled in the art would reach” (emphasis in the original -- quoting from page 3, lines 3-4 of the final Office action). However, in making such a broad interpretation of the claims, the specifically recited provision of a short message transmission module in an Internet phone must not be “read” out of the claims. Therefore, as long as the prior art does not disclose or suggest such an element and its functions, the claims must be deemed to be allowable over the prior art.

In paragraph 4 of the final Office action, the Examiner alleged that “Short Message Service ... may be implemented by two ways” (quoting from page 4, line 3 of the final Office action). The Examiner then stated that one way is “that a sender connects a web site using Internet and transmits a short message to a recipient using mobile communication terminal” (quoting from page 4, lines 3-5 of the final Office action). The Examiner then stated that “the other way is that a sender using mobile communication terminal sends a short message to a recipient using mobile communication terminal” (quoting from page 4, lines 5-7 of the final Office action). However, it is respectfully submitted that the latter amounts to mere supposition on the part of the Examiner, does not make reference to any portion of the three cited references as constituting a relevant disclosure, and accordingly amounts to the mere expression of an opinion on the part of the Examiner, not supported by any portion of the three prior art references cited in the final Office action. Therefore, the latter argument does not provide a proper basis for the rejection under 35 U.S.C. §103.

Finally, on page 4 of the final Office action, the Examiner stated that the “Applicant’s attention is directed to the Fig. 2 of US#2003/0036396, in which Back et al. discloses an

architectural-level block diagram of a user terminal receiving data by using SMS (Short Message Service) and wireless Internet” (quoting from page 4, lines 12-14 of the final Office action). The Examiner then further argues that the “user terminal 410 may comprise a receiver/transmitter 420 for transmitting a URL connecting request (*short message transmit/receive module*), a controller 435 for connecting the communication channel based on application protocols comprised in the received short messages, and storing device 480 for storing program which may be used for executing the controller 435 and connecting the communication channel ([0029] plus)” (italics with original -- quoting from page 4, lines 14-19 of the final Office action).

In this regard, the two latter arguments quoted in the preceding paragraph merely point out that the user terminal 410 shown in Figure 2 of Back *et al.* ‘396 contains a receiver/transmitter 420, and the receiver/transmitter 420 comprises an SMS receiver 430 for **receiving** a short message, and a URL connector 470 for transmitting a URL connecting request. Thus, by the Examiner’s own admission, the receiver/transmitter 420 of user terminal 410 shown in Figure 2 of Back *et al.* ‘396 does not contain a **short message** transmission module, but only contains a URL connector 470 for transmitting **a URL connecting request**, and not a short message, the receiver/transmitter 420 only being capable of **receiving** a short message via the SMS receiver 430 thereof. Moreover, even if the URL connecting request transmitted by the URL connector 470 of receiver/transmitter 420 is interpreted as being a “short message”, the short message is not being transmitted to an Internet phone of a called party, but rather it is being transmitted to the server of an Internet service provider for the purpose of connecting the user terminal 410 to a proper destination as defined by the URL contained in the URL connecting request.

Therefore, independent claims 1, 5 and 9 of the present application recite the invention in a manner distinguishable over the prior art in that the prior art does not disclose or suggest an Internet phone of a calling party having a short message transmission module contained therein for transmitting a short message to the Internet phone of a called party, as well as other functions discussed above.

In view of the law and facts stated herein as well as all the foregoing reasons, Appellants believe that the rejections are improper and respectfully request that the Board refuse to sustain the outstanding rejections of claims 1, 2, 5, 6, 9, 10, 13 and 15.

Respectfully submitted,



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VIII. CLAIMS APPENDIX

Claims on Appeal (1, 2, 5, 6, 9, 10, 13 and 15)

1 1. (Previously Presented) A system for transmitting a short message in an Internet phone,
2 comprising:

3 a gatekeeper for controlling setup of a call and at least one of a user registration and a
4 cancellation in the Internet phone, said Internet phone being optionally connected with said
5 gatekeeper, said Internet phone having a short message transmission module for transmitting, via
6 a predetermined port, the short message including information corresponding to a telephone
7 number of an Internet phone of a called party; and

8 a short message transmission server for receiving the short message transmitted by the
9 short message transmission module, and serving as a terminal registered in the gatekeeper for
10 transmitting, to the gatekeeper, the information corresponding to the telephone number of the
11 Internet phone of the called party as included in the short message when the short message is
12 transmitted via the predetermined port, so as to obtain an Internet protocol (IP) address of the
13 Internet phone of the called party, and for transmitting the short message to the IP address of the
14 Internet phone of the called party.

1 2. (Original) The system for transmitting a short message according to claim 1, wherein
2 said short message transmission server transmits an admission request (ARQ) message for
3 registration admission and status (RAS) protocol to the gatekeeper with the telephone number of
4 the Internet phone of the called party included in the short message, and then receives an
5 admission confirm (ACF) message to obtain therefrom the Internet protocol (IP) address of the
6 Internet phone of the called party.

1 5. (Previously Presented) A method for transmitting a short message in an Internet phone
2 of a calling party, comprising the steps of:
3 providing a short message transmission server and a gatekeeper;

4 providing the Internet phone of the calling party with a short message transmission
5 module;

6 transmitting the short message, including a telephone number of an Internet phone of the
7 called party, from the short message transmission module of the Internet phone of the calling party
8 to the short message transmission server;

9 transmitting a call admission request message from the short message transmission server
10 to the gatekeeper with the telephone number of the Internet phone of the called party included in
11 the transmitted short message, and then receiving from the gatekeeper a call admission confirm
12 message including an Internet protocol (IP) address of the Internet phone of the called party; and

13 transmitting the short message from the short message transmission server to the Internet
14 protocol (IP) address of the Internet phone of the called party.

1 6. (Original) The method for transmitting a short message according to claim 5, wherein
2 both the Internet phone of the called party and the Internet phone of the calling party, and the
3 short message transmission server, communicate with each other via a predetermined port.

1 9. (Previously Presented) A system for transmitting a short message in an Internet phone,
2 comprising:

3 a gatekeeper for controlling setup of a call; and

4 a short message transmission server connected to said gatekeeper;

5 said Internet phone transmitting, via a predetermined port to said short message
6 transmission server, the short message including information corresponding to a telephone number
7 of an Internet phone of a called party; and

8 said short message transmission server transmitting, to the gatekeeper, the information
9 corresponding to the telephone number of the Internet phone of the called party as included in the
10 short message when the short message is transmitted via the predetermined port so as to obtain
11 an Internet protocol (IP) address of the Internet phone of the called party, and for transmitting the
12 short message to the IP address of the Internet phone of the called party;

13 wherein said Internet phone includes a short message transmission module for transmitting
14 the short message to the short message transmission server.

1 10. (Original) The system for transmitting a short message according to claim 9, wherein
2 said short message transmission server transmits an admission request (ARQ) message for
3 registration admission and status (RAS) protocol to the gatekeeper with the telephone number of
4 the Internet phone of the called party included in the short message, and then receives an
5 admission confirm (ACF) message to obtain therefrom the Internet protocol (IP) address of the
6 Internet phone of the called party.

1 13. (Original) The system for transmitting a short message according to claim 9, wherein
2 said gatekeeper controls at least one of a user registration and a cancellation in the Internet phone.

1 15. (Original) The system for transmitting a short message according to claim 9, wherein
2 said short message transmission server serves as a terminal registered in the gatekeeper.

IX. EVIDENCE APPENDIX

None

X. RELATED PROCEEDINGS APPENDIX

None.